

09/674815

## Certification Under 37 C.F.R. § 1.8 or 1.10

I hereby certify that this correspondence and any attachments are, on the date below, being:

☒ Deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to BOX PCT Assistant Commissioner for Patents, Washington, D.C. 20231

☐ Facsimile transmitted to the Patent and Trademark Office, facsimile number \_\_\_\_\_

Date: November 14, 2000

Signature

Linda A. Zerby

Typed/Printed Name of Person Making Certification

## IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

Applicant(s): Akira Aomatsu

Application No.:

Filed:

Title:

STABLIZED PHARMACEUTICAL PREPARATION CONTAINING 4-AMINO-3-SUBSTITUTED-BUTANOIC ACID DERIVATIVES AND PROCES FOR PREPARING THE SAME

Examiner:

Art Unit:

Batch No.:

BOX PCT

Assistant Commissioner for Patents

Washington, D.C. 20231

## Transmittal of a Substitute Transmittal Letter for Filing Under 35 U.S.C. 371

Dear Sir:

Applicant is submitting herewith a substitute Transmittal Letter to replace the previously filed Transmittal letter. Applicant is submitting the substitute Transmittal order to correctly identify the International Application PCT/US99/10190, filing date May 10, 1999, for the purposes of 35 U.S.C. § 371.

Applicant Respectfully requests that any questions with regard to the above be directed to this undersigned in charge of this application.

The Assistant Commissioner is hereby authorized to charge and credit Deposit Account 23-0455 any additional fees required.

Respectfully submitted,

11/14/2000  
Date

David Kurlandsky

Registration No. 41,505

Warner-Lambert Company

2800 Plymouth Road

Ann Arbor, Michigan 48105

Telephone: (734) 622-7304

Facsimile: (734) 622-1553

Express Mail No. EJ881445826US  
PD-5836-01-MJA

FORM PTO-1390 (Modified)  
(REV 11-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

## TRANSMITTAL LETTER TO THE UNITED STATES

5836-01-MJA

DESIGNATED/ELECTED OFFICE (DO/EO/US)

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

CONCERNING A FILING UNDER 35 U.S.C. 371

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PCT/US99/10190

May 10, 1999

## TITLE OF INVENTION

STABILIZED PHARMACEUTICAL PREPARATION CONTAINING 4-AMINO-3-SUBSTITUTED-BUTANOIC ACID DERIVATIVES AND PROCESS FOR PREPARING THE SAME

APPLICANT(S) FOR DO/EO/US

Aomatsu, Akira

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

## Items 13 to 20 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☒ Certificate of Mailing by Express Mail
20. ☐ Other items or information:

Express Mail No. EJ881445826US  
PD-5836-01-MJA

U.S. APPLICATION NO. (IF KNOWN, SEE <span style="background-color: black; color: black;">XXXX</span> R)	INTERNATIONAL APPLICATION NO. <b>PCT/US99/10190</b>	ATTORNEY'S DOCKET NUMBER <b>5836-01-MJA</b>
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21. The following fees are submitted: <b>BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5) ) :</b> <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$970.00</b> <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$840.00</b> <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$690.00</b> <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$670.00</b> <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$96.00</b> <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>				<b>CALCULATIONS PTO USE ONLY</b>  <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				<b>\$0.00</b>	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	17 - 20 =	0	x \$18.00	<b>\$0.00</b>	
Independent claims	3 - 3 =	0	x \$78.00	<b>\$0.00</b>	
Multiple Dependent Claims (check if applicable). <input checked="" type="checkbox"/>				<b>\$260.00</b>	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1,100.00</b>	
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). <input type="checkbox"/>				<b>\$0.00</b>	
<b>SUBTOTAL =</b>				<b>\$1,100.00</b>	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				<b>\$0.00</b>	
<b>TOTAL NATIONAL FEE =</b>				<b>\$1,100.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>				<b>\$0.00</b>	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$1,100.00</b>	
				Amount to be: refunded	\$
				charged	\$

☐ A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.

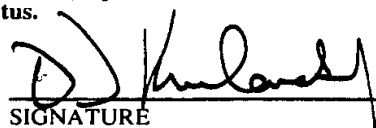
☒ Please charge my Deposit Account No. **23-0455** in the amount of **\$1,100.00** to cover the above fees.  
A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **23-0455** A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

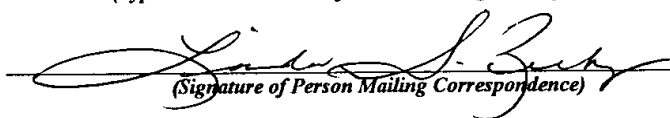
David Kurlandsky  
 Registration No. 41,505  
 Warner-Lambert Company  
 Plymouth Road  
 Ann Arbor, Michigan 48105  
 Telephone: (734) 622-5215  
 Facsimile: (734) 622-1553

  
 \_\_\_\_\_  
 SIGNATURE

**David Kurlandsky**  
 \_\_\_\_\_  
 NAME

**41,505**  
 \_\_\_\_\_  
 REGISTRATION NUMBER

**11/14/2000**  
 \_\_\_\_\_  
 DATE

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)			Docket No. 5836-01-MJA
Serial No.	Filing Date	Examiner	Group Art Unit
Invention:	STABILIZED PHARMACEUTICAL PREPARATION CONTAINING 4-AMINO-3-SUBSTITUTED-BUTANOIC ACID DERIVATIVES AND PROCESS FOR PREPARING THE SAME		
I hereby certify that the following correspondence:			
<div>Transmittal of Substitute Transmittal Letter for Filing Under 35 U.S.C. 371 Substitute Transmittal Letter for Filing Under 35 U.S.C. 371</div> <p>(Identify type of correspondence)</p>			
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 <u>November 14, 2000</u> (Date)			
<div>Linda A. Zerby (Typed or Printed Name of Person Mailing Correspondence)</div> <div> (Signature of Person Mailing Correspondence)</div> <div>EJ881445826US (Express Mail Mailing Label Number)</div>			
Note: Each paper must have its own certificate of mailing.			

Express Mail No. EJ881445826US  
PD-5836-01-MJA


**Certification Under 37 C.F.R. § 1.8 or 1.10**

I hereby certify that this correspondence and any attachments are, on the date below, being:

[X] deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, Express Mail No. EJ707278305US under 37 CFR 1.10 in an envelope addressed to: BOX: PCT, The Assistant Commissioner for Patents, Washington, D.C. 20231

[ ] facsimile transmitted to the Patent and Trademark Office, facsimile number \_\_\_\_\_

Date: February 9, 2001

  
Signature  
Tanya R. McMullen  
Typed/Printed Name of Person Making Certification

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): AKIRA AOMATSU  
Application No.: 09/674,815  
Filed: 6 NOVEMBER 2001  
Title: SOLID COMPOSITIONS CONTAINING 4-AMINO-3-SUBSTITUTED-BUTANOIC ACID DERIVATIVES AND PROCESS FOR PREPARING THE SAME

Examiner:  
Art Unit:

BOX: PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**Transmittal of a Response to Notification of Missing Requirements Under 35 U.S.C. 371**

In response to the Notification of Missing Requirements Under 35 U.S.C. 371, dated December 5, 2000, Applicant submits the attached Declaration and Power of Attorney in compliance with 37 CFR 1.497(a) and (b) regarding the captioned application.

The Commissioner is hereby authorized to charge the surcharge for filing the Declaration later than the appropriate thirty (30) month period to Deposit Account 23-0455.

The Commissioner is further authorized to charge the Ninety (\$90.00) additional claim fees, or credit any overpayment, to Deposit Account 23-0455. A duplicate copy of this sheet is attached.

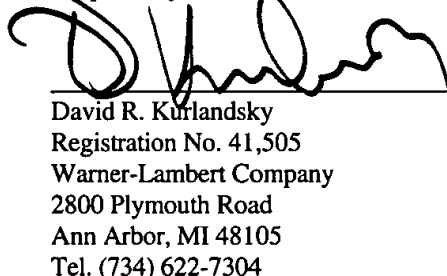
02/14/2001 LLANDGRA 00000018 230455 09674815

01 FC:966

90.00 CH

2/9/2001  
Date

Respectfully submitted,

  
David R. Kurlandsky  
Registration No. 41,505  
Warner-Lambert Company  
2800 Plymouth Road  
Ann Arbor, MI 48105  
Tel. (734) 622-7304  
Fax (734) 622-1553

**Attachments**

[X] Declaration and Power of Attorney  
[X] Return postcard  
[X] Copy of Notification of Missing Requirements

5836Missing Parts



## UNITED STATES DEPARTMENT OF COMMERCE

## Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

✓

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/674815	AOMATSU	A 5836-01-MJA

WARNER-LAMBERT COMPANY  
2800 PLYMOUTH ROAD  
ANN ARBOR, MI 48105

INTERNATIONAL APPLICATION NO.	
PCT/US99/10190	
I.A. FILING DATE	PRIORITY DATE
10 MAY 99	15 MAY 98

DATE MAILED:

05 DEC 2000

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):  
☒ U.S. Basic National Fee.  
☒ Copy of the international application in:  
☐ a non-English language.  
☒ English.

- ☐ Translation of the international application into English.  
☒ Oath or Declaration of inventor(s) for DO/EO/US.  
☐ Copy of Article 19 amendments.  
☐ Translation of Article 19 amendments into English.  
☒ The International Preliminary Examination Report in English and its Annexes, if any.  
☐ Translation of Annexes to the International Preliminary Examination Report into English.  
☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
☒ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
☐ Assignment document.  
☐ Power of Attorney and/or Change of Address.  
☐ Substitute specification filed \_\_\_\_\_.  
☐ Verified Statement Claiming Small Entity Status.  
☒ Priority Document.  
☒ Copy of the International Search Report ☒ and copies of the references cited therein.  
☐ Other:

RECEIVED

DEC 14 2000

AA PATENT DEPT

DOCKETED

Date 1/5/2001  
For Missing Parts - AJP

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.  
☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917..  
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ 90.00 as a ☒ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

1. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled.